

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ALEXANDER GOMEZ,

Plaintiff,

-against-

NIKTAB, INC., ET AL.,

Defendants.
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24-CV-5369 (VSB)

ORDERVERNON S. BRODERICK, District Judge:

Plaintiff filed this action on February 9, 2024, (Doc. 1), and filed affirmations of service for Defendants A.K. Pizza Corp. and Niktab Inc. on February 21, 2024, (Docs. 6, 7). On March 12, 2024, Defendant A.K. Pizza filed an answer with affirmative defenses. (Doc. 8.) The deadline for Defendant Niktab to respond to Plaintiff's complaint was March 12, 2024; to date, Niktab has not appeared or responded to the complaint.

Additionally, on August 12, 2024, I directed Plaintiff and Defendant A.K. Pizza to submit a Case Management Plan and Scheduling Order on or before August 16, 2024. (Doc. 18.)¹ I warned, "If the parties fail to do so, I will dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*)

Plaintiff has not sought default judgment, has not submitted a Case Management Plan and Scheduling Order, or taken any other action to prosecute this case.


¹ I had previously ordered the parties to submit a Case Management Plan and Scheduling Order by August 1, 2024; the parties did not respond to this directive. (Doc. 17.)

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: August 26, 2024
New York, New York



VERNON S. BRODERICK
United States District Judge